

REMARKS

Claims 1-32 currently remain in the application. Claims 33-97 have been cancelled. Claim 1 has been amended. Applicant believes the amendment to claim 1 as no new matter and the amendment is at least supported with respect to Figs. 7A and 7B.

Claim Objections

Claims have been amended and the objection is believed overcome thereby. Applicant thanks the examiner for catching this inadvertent omission.

Rejections under 35 U.S.C. § 102

The Examiner rejected claim 1-32 under 35 U.S.C. § 102(e) as being unpatentable over Jackson, U.S. 2003/0069074. The rejection is respectfully traversed.

Claims as amended, recite “a memory storing a payable wherein the payable includes staging information associated with at least one game outcome and wherein the game manager is operable to determine a sequence of stages for use in a particular game of chance using the staging information in the payable.” Traditional paytables only store game outcomes and awards associated with each game outcome. One advantage of this approach is that the staging information in the payable associated with a particular game outcome may be altered to change the presentation of the game without changing the game outcomes. This approach allows new games to be easily generated.

Jackson doesn't teach or suggest storing staging information in the payable.

As a note, applicant respectfully asks the Examiner to reconsider what Jackson implicitly teaches. For example, Examiner states, “Jackson'074 uses an example of a “display_credits” function to illustrate a presentation state and suggests that a separate function of the shared object provided game flow to change the “credit” variable in the first place. This example suggests that all states are separate into game flow and presentation states. Therefore, it would appear that Jackson'074 implicitly teaches a shared object (game stage), wherein the shared object contains one or more game states and corresponding presentation states.”

The MPEP 2112, sec IV, states,

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency of that result or characteristic. To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

Applicant doesn't believe that Examiner's "suggestive" reasoning meets the standard that the descriptive matter is necessarily present. Applicant can't agree with the reasoning that a suggestion in one instance means it is necessarily present in all instances. Therefore, Applicant can't agree with Examiner's assertions, in general, in regards to what is implicitly taught in Jackson when Examiner extrapolates a suggestion in one instance to other instances where many methodologies may be utilized to accomplish the same result. Therefore, for at least these reasons applicant believes Jackson can't be said to anticipate the remaining claims and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "David P. Olynick", written over the printed name.

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